

REMARKS

Applicant respectfully requests reconsideration of the present application in view of this response. Claims 1-20 are currently pending in connection with the present application. Of those, claims 1-6, 11, 13, and 16-18 have been amended. Claim 1 is the sole independent claim. Support for all such amendments made to independent claim 1, and dependent claims 2-6, 11, 13 and 16-18, may be found in, for example, paragraph [0006] of the substitute specification.

ENTRY OF AMENDMENT AFTER FINAL

Applicants request entry of this Amendment After Final in that all such amendments made herein only further clarify features previously set forth and do not raise any new issues requiring further consideration and/or search.

CLAIM REJECTIONS UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Claims 1-20 stand rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant traverses this rejection. In particular, Applicant disagrees with the Examiner's contention that the "cost of installation of all of the components would have to

be subtracted from the earnings from a product produced by the entire installation," and that "such omission [amounts] to a gap between the steps."¹

In claim 1, for example, an "actual cost value," may take into account expenditures arising from, and earnings realized through, the use of a component. Thus, "actual cost values," as set forth in claim 1 may encompass any value indicating a cost situation of a component not only expenditures.

In contrast to the Examiner's above contention, the cost of installation of all of the components need not necessarily be subtracted from the earnings from a product by the entire installation.² For example, if the total earnings of the increase by 10%, expenditure of a single component may increase 10 %. That is, for example, when calculating an "actual cost value," for at least one component, it may be sufficient to include the percentage increase or decrease of the total earnings, not necessarily the earnings by the entire installation.

Accordingly, Applicant submits that claim 1 is complete, definite and fully in accordance with 35 U.S.C. § 112, 2nd paragraph.

AN EXAMPLE EMBODIMENT OF THE PRESENT INVENTION

Example embodiments of the present invention may draw the attention of operating personnel to uneconomical operation of the installation and/or allow the installation to operate under conditions not ideal (e.g., during periods

¹ See Office Action, pp. 2.

² *Id.*

of greater expenditure). In some cases, this increased expenditure may be justified by increased earnings.³

Example embodiments of the present invention also provide proposals for reducing operating costs of the installation. In one example embodiment, malfunctions of the installation may be identified and/or eliminated more quickly. One example embodiment may determine proposals suggesting continued operation of the installation in spite of deterioration of the cost-effectiveness of the overall installation.

PRIOR ART REJECTION

Rejection under 35 U.S.C. §102(e)

Claims 1-20 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Smith (U.S. Patent No. 3,617,717). Applicant respectfully traverses this rejection.

The method of claim 1 determines actual cost values taking into account, "**expenditures arising and earnings realized** from delivery of the final product," and **compares** the "**actual cost values with predeterminable set values for costs**." Accordingly, the invention is completely different and much more individual and precise.

By contrast, Smith is directed to a method for optimizing a control system. In particular, the adaptive control system of Smith **only** minimizes costs of operation to maximize profit.⁴

³ See Substitute Specification, paragraphs [0006] and [0010]

Accordingly, Applicant submits that claim 1 is in condition for allowance. Claims 2-20 are also allowable at least by virtue of their dependency upon claim 1.

CONCLUSION

In view of above remarks, reconsideration of the outstanding rejection and allowance of the pending claims is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Andrew M. Waxman, Reg. No. 56,007, at the number of the undersigned listed below.

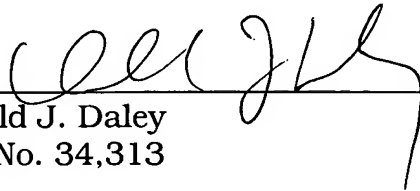
Pursuant to 37 C.F.R. 1.17 and 1.136(a), the Applicant respectfully petitions for a one (1) month extension of time for filing a response in connection with the present application, and the required fee of \$120.00 is attached.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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